

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-434/2016 in
OA-2854/2010**

New Delhi, this the 11th day of July, 2017.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Dilbagh Singh,
S/o Sh. Sahi Ram,
R/o Triveni Road,
Near Double Transformer,
Bank Colony, Bhiwani,
Haryana.

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Petitioner

(through Sh. Ajesh Luthra)

Versus

1. Sh. Shashi Kant Sharma,
Comptroller and Auditor General,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi.

2. Sh. Ashim Khurana,
Chairman,
Staff Selection Commission (Hqrs.),
Block No.12, CGO Complex Lodhi Road,
Near Jawahar Lal Nehru Stadium,
New Delhi-110 003.

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Respondents

(through Ms. Aditi Gupta for Sh. Gaurang Kanth for R-1 and Sh. S.M. Arif for R-2)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J)

Heard learned counsel Sh. Ajesh Luthra for the petitioner, Ms. Aditi Gupta for respondent No. 1 and Sh. S.M. Arif for respondent No. 2.

2. This Tribunal disposed of OA No. 2854/2010 filed by the applicant along with two other connected OAs by a common order dated 06.03.2012 and the operative part of the said order reads as under:

"26. In the above facts and circumstances of the case, we allow these OAs with the following directions:

- (1) As far as the applicant in OA-2854/2010- Sh. Dilbagh Singh is concerned, we hold that the applicant shall be considered as an OBC candidate. However, it is open to the SSC to verify the correctness of the certificate dated 3.12.2009 submitted by the applicant. In case the aforesaid certificate is found to be correct, considering the applicant as an OBC candidate, his result should be declared under the OBC category. He shall also be appointed in the same way as his batchmates with all consequential benefits except backwages, within a period of two months from the date of receipt of a copy of this order.
 - (2) As regards the applicants in OA-4372/2010 and OA-4373/2010 – Sh. Man Mohan and Sh. Ram Naresh Barnwal are concerned, we dispose of these OAs with a direction to the respondents to consider the applicants as candidates belonging to the OBC category based on the certificates submitted by them. However, before doing so, the authority shall follow the instructions contained in O.M. No. 36033/4/97-Estt (Res.) dated 25.07.2003 of the DOP&T and verify that the creamy layer status of the applicants are maintained within three years preceding the cut off date. If they are found meritorious and otherwise eligible, they shall be selected under the OBC category provided the number of posts determined under the OBC category in the present recruitment have not been fully exhausted. In that case, the applicants shall be appointed with all consequential benefits except back wages as granted to their batchmates. They shall also furnish a declaration prescribed in the aforesaid O.M. dated 25.07.2003. Before appointing them, the Appointing Authority should also verify the community certificate submitted by the applicants and also the fact that they do not fall in the creamy layer on the crucial date i.e. the closing date for the posts in terms of the advertisement for the Combined Graduate Level Examination, 2010. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order.
27. There shall be no orders as to costs in both these Original Applications."

3. Alleging non-implementation of the aforesaid order, the applicant in OA No. 2854/2010 filed the instant CP. Today, respondent No. 1 has produced an offer of appointment dated 04.07.2017 whereunder they have offered appointment to the petitioner to the post of Assistant Audit Officer (Commercial) with terms and conditions mentioned therein. Learned counsel appearing for respondent No. 1 further submits that once the applicant accepts the offer of appointment and joins the post, they will issue further orders in terms of directions of this Tribunal dated 06.03.2012 in OA No. 2854/2010 i.e., granting the

consequential benefits to the applicant in the same way as his batch mates with all consequential benefits except back wages and accordingly prays for closure of the CP.

4. In the circumstances, in view of the substantial compliance and in view of the submissions made by respondent No. 1, this CP is closed. Notices issued to the alleged contemnors are discharged.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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